

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>HILTON KARRIEM MINCY,</b>	:	<b>CIVIL ACTION NO. 1:08-CV-0507</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>WARDEN DEPARLOS, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 3rd day of December, 2008, upon consideration of defendants' motion (Doc. 15) for a more definite statement pursuant to Federal Rule of Civil Procedure 12(e) or, in the alternative, to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), in which defendants contend that plaintiff's complaint is vague and ambiguous in that they are unable to discern which allegations involve plaintiff,<sup>1</sup> and that the complaint fails to state a claim upon which relief can be granted, and upon consideration of plaintiff's motion to amend his complaint (Doc. 18), it is hereby ORDERED that:

1. Defendants' motion (Doc. 15) is granted in part and denied in part. The motion for a more definite statement pursuant to Federal Rule of Civil Procedure 12(e) is GRANTED. The motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is DENIED without prejudice.
2. Plaintiff's motion to amend (Doc. 18) is GRANTED.

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<sup>1</sup>The action was originally commenced on behalf of a number of plaintiffs seeking class certification. (Doc. 1.) The request for class certification was denied and plaintiff was permitted to continue the litigation on his own behalf. (Doc. 4.)

3. Within twenty days of the date of this order, plaintiff shall file an amended complaint, which shall carry the same civil docket number presently assigned to this matter (1:08-CV-0507).
4. The amended complaint shall be a short, plain, and concise statement of the claim and shall be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed. FED. R. CIV. P. 8(e)(1). References such as "Same as Stated in Original Complaint" are not acceptable. (See Doc. 18, proposed amended complaint, ¶¶ 3-16).
5. Failure to file the amended complaint in the allotted time period will result in the matter proceeding on the original complaint and reinstatement of defendants' motion to dismiss.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge